

**IN THE CLAIMS:**

1. canceled
2. (previously presented) The gate structure of claim 12, wherein the predominantly niobium monoxide gate has a work function between approximately 4.1 eV and 4.4 eV.
3. (previously presented) The gate structure of claim 12, wherein the gate dielectric is silicon dioxide.
4. (previously presented) The gate structure of claim 12, wherein the gate dielectric comprises a high-k gate dielectric material.
5. (original) The gate structure of claim 4, wherein the high-k gate dielectric material comprises  $\text{HfO}_2$ ,  $\text{ZrO}_2$ ,  $\text{Al}_2\text{O}_3$ ,  $\text{Ta}_2\text{O}_5$ ,  $\text{HfAlO}$  or  $\text{HfSiO}_4$ .
- 6-8. canceled
9. (previously presented) The gate structure of claim 12, wherein the conductive barrier metal is TiN.
- 10-11. canceled

12. (previously presented) A MOSFET gate structure comprising:

- a gate dielectric overlying a substrate;
- a predominantly niobium monoxide gate overlying the gate dielectric; and
- a conductive barrier metal capping layer overlying the niobium monoxide gate.

13. (currently amended) The gate structure of claim ~~[[1]]~~ 12 wherein the capping layer includes an etched portion, to expose an upper surface of the underlying niobium monoxide gate; and,

- the gate structure further comprising:
  - an electric contact formed through the etched portion of the capping layer, connected to the niobium oxide gate upper surface.

14. (currently amended) The gate structure of claim ~~[[1]]~~ 12 wherein the niobium oxide gate has an upper surface; and,

- wherein the capping layer covers the niobium gate upper surface.

15. (currently amended) The gate structure of claim ~~[[1]]~~ 12 wherein the niobium oxide gate has sidewalls; and,

- wherein the capping layer covers the niobium gate sidewalls.